

HOUSE BILL 2631

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 13, relative to the possession of
firearms by certain persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)

(1) A person commits an offense who possesses a handgun and:

(A) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon;

(B) Has been convicted of a felony drug offense; or

(C) At the time of the offense, was released on bail pursuant to title 40, chapter 11, pretrial diversion pursuant to title 40, chapter 15, judicial diversion pursuant to § 40-35-313, probation pursuant to § 40-35-303, parole pursuant to title 40, chapter 28, community correction pursuant to title 40, chapter 36, work release, educational release, restitution release, medical furlough or any other form of supervised or unsupervised release into the community, or was on escape status from any correctional institution after having been charged with or convicted of a dangerous felony as defined in § 39-17-1324(i).

(2)

(A) An offense under subdivision (b)(1)(A) or (B) is a Class E felony.

(B) An offense under subdivision (b)(1)(C) is a Class E felony, punishable by a mandatory minimum two-year sentence to the department of correction.

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection (d):

(d)

(1) A sentence imposed for a violation of subdivision (b)(1)(C) shall be served consecutive to the sentence for the underlying dangerous felony from which the person was on some form of release or escape or the sentence the person may receive for the violation of subdivision (b)(1)(C) if the violation was committed while the person was on bail for a dangerous felony.

(2) A person sentenced for a violation of subdivision (b)(1)(C) shall not be eligible for pretrial diversion pursuant to title 40, chapter 15, judicial diversion pursuant to § 40-35-313, probation pursuant to § 40-35-303, community correction pursuant to title 40, chapter 36, parole pursuant to title 40, chapter 28, or any other program whereby the person is permitted supervised or unsupervised release into the community prior to service of the entire mandatory minimum sentence imposed less allowable sentence credits earned and retained as provided in § 40-35-501(j).

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.